	Application No.	Applicant(s)
Notice of Allowability	09/884,138	UCHIYAMA ET AL.
	Examiner	Art Unit
	Nihir Patel	3743
The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.		
1. This communication is responsive to <u>September 28th, 2004</u> .		
2. The allowed claim(s) is/are 1 and 3-6 (renumbered claims 1-5).		
3. The drawings filed on are accepted by the Examiner.		
 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of the: Certified copies of the priority documents have been received. Certified copies of the priority documents have been received in Application No Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 		
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		
5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.		
6. CORRECTED DRAWINGS (as "replacement sheets") mus (a) including changes required by the Notice of Draftspers 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the	on's Patent Drawing Review (PTO s Amendment / Comment or in the comment or in the comment or the drawing should be written on the dr	Office action of ings In the front (not the back) of
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.		
Attachment(s) 1. ☑ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)	5. ☐ Notice of Informal I 6. ☐ Interview Summary Paper No./Mail Da	
 3. Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date 06.20.2001 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material 	8), 7. ☐ Examiner's Amend 8. ☑ Examiner's Statem 9. ☐ Other	

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DETAILED ACTION

Reason for Allowance

The following is an examiner's statement of reasons for allowance: Claims 1 and 3 through 6 (re-numbered claims 1 through 5) of application number 09/884,138 are allowable over the prior art of record in that the apparatus for supplying as oxygen therapeutic gas that comprises a cylinder for containing a pressurized oxygen gas; a nasal cannula, adapted to be introduced into a nasal passage of a patient; a conduit extending between the cylinder and the nasal cannula for directing the oxygen therapeutic gas to the nasal cannula from the cylinder, a valve, provided on the conduit, for allowing and blocking the fluid communication between the cylinder and the nasal cannula; a pressure sensor, provided on the conduit downstream of the valve, for detecting the pressure in the conduit; an orifice, provided on the conduit upstream of the valve, for regulating pressure in the conduit upstream of the valve; and a controller for controlling the operation of the valve in synchronization with respiration of a patient based on changes in pressure detected by the pressure sensor, the controller comparing respiratory with a threshold to increase volume of the oxygen therapeutic gas for each respiration in step when the respiratory frequency is larger than the threshold.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nihir Patel whose telephone number is (703) 306-3463. The examiner can normally be reached on 7:30 to 4:30 every other Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 703-308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP October 15th, 2004

Herry Jennett
Supercapt Framiner
Group 3700